

## 21 C.J.S. Courts § 248

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### Courts

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### VII. Records

#### § 248. Amendment of court records

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Courts](#)  116(.5) to 116(3)

**Courts have the power to amend their records to conform to the facts but not to correct judicial acts.**

In a case of an omission or error in the record, a court has the power to amend the record so that it conforms to the facts<sup>1</sup> but not to adversely affect rights<sup>2</sup> or alter the substance of the act or entry from that originally intended.<sup>3</sup> Thus, amendments may correct errors or omissions due to accident, mistake, or inadvertence,<sup>4</sup> such as clerical mistakes or scrivener's errors,<sup>5</sup> as opposed to mistakes arising from the judicial acts<sup>6</sup> or from a party's neglect or fault.<sup>7</sup>

A court's power to correct its record is usually regarded as inherent<sup>8</sup> although there exists authority to the effect that, in exercising a power conferred by statute to amend court records, the court exercises a special jurisdiction that did not exist at common law.<sup>9</sup>

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## Footnotes

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Ariz.—American Sur. Co. of N.Y. v. Mosher, 48 Ariz. 552, 64 P.2d 1025 (1936).

Ga.—Walker v. First Nat. Bank of Cobb County, 149 Ga. App. 52, 253 S.E.2d 442 (1979).

Neb.—Larson v. Bedke, 212 Neb. 134, 322 N.W.2d 367 (1982).

Pa.—Manufacturers and Traders Trust Co. v. Greenville Gastroenterology, SC, 2015 PA Super 15, 108 A.3d 913 (2015).

Tex.—South Texas Tire Test Fleet, Inc. v. Long, 594 S.W.2d 540 (Tex. Civ. App. San Antonio 1979).

Va.—Harris v. Com., 222 Va. 205, 279 S.E.2d 395 (1981).
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W. Va.—Barber v. Barber, 195 W. Va. 38, 464 S.E.2d 358 (1995).
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Ind.—KeyBank Nat. Ass'n v. Michael, 770 N.E.2d 369 (Ind. Ct. App. 2002).

Mont.—State ex rel. Torres v. Montana Eighth Judicial Dist. Court, Cascade County, 265 Mont. 445, 877 P.2d 1008 (1994).

W. Va.—Barber v. Barber, 195 W. Va. 38, 464 S.E.2d 358 (1995).
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Ariz.—Rae v. Brunswick Tire Corp., 45 Ariz. 135, 40 P.2d 976 (1935).

N.Y.—People v. Minaya, 54 N.Y.2d 360, 445 N.Y.S.2d 690, 429 N.E.2d 1161 (1981).

Vt.—St. Pierre v. Beauregard, 103 Vt. 258, 152 A. 914 (1931).
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N.Y.—People v. Langston, 121 A.D.3d 1016, 995 N.Y.S.2d 163 (2d Dep't 2014).

N.C.—State v. Sellers, 155 N.C. App. 51, 574 S.E.2d 101 (2002).

S.D.—Coffey v. South Dakota Bd. of Pardons and Paroles, 1999 SD 164, 604 N.W.2d 238 (S.D. 1999).

Va.—Westgate at Williamsburg Condominium Ass'n, Inc. v. Philip Richardson Co., Inc., 270 Va. 566, 621 S.E.2d 114 (2005).

W. Va.—State ex rel. Core v. Merrifield, 202 W. Va. 100, 502 S.E.2d 197 (1998).

**Clerical error**  
 Clerical mistakes or errors subject to correction, as opposed to judicial errors, are errors, mistakes, or omissions which are not the result of the exercise of the judicial function.

Ky.—Machniak v. Com., 351 S.W.3d 648 (Ky. 2011).

Mo.—McGuire v. Kenoma, LLC, 447 S.W.3d 659 (Mo. 2014).

**Clerical error by judge, jury foreman, party, or counsel**  
 Ala.—Reamer Bldg. and Development Corp. v. Hogan, 678 So. 2d 144 (Ala. Civ. App. 1996).
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Cal.—Halpern v. Superior Court in and for Alameda County, 190 Cal. 384, 212 P. 916 (1923).

R.I.—Grieco v. Jackvony, 43 R.I. 26, 109 A. 801 (1920).

- 7 Tex.—*Haley v. Lewis*, 604 S.W.2d 194 (Tex. Crim. App. 1980).
- Vt.—*St. Pierre v. Beauregard*, 103 Vt. 258, 152 A. 914 (1931).
- 8 Cal.—*People v. Mitchell*, 26 Cal. 4th 181, 109 Cal. Rptr. 2d 303, 26 P.3d 1040 (2001).
- Conn.—*Solomon v. Aberman*, 196 Conn. 359, 493 A.2d 193 (1985).
- Ga.—*Walker v. First Nat. Bank of Cobb County*, 149 Ga. App. 52, 253 S.E.2d 442 (1979).
- Haw.—*Korsak v. Hawaii Permanente Medical Group*, 94 Haw. 297, 12 P.3d 1238 (2000).
- Miss.—*Harvey v. State*, 919 So. 2d 282 (Miss. Ct. App. 2005).
- Neb.—*Larson v. Bedke*, 211 Neb. 247, 318 N.W.2d 253 (1982), opinion supplemented, 212 Neb. 134, 322 N.W.2d 367 (1982).
- Or.—*1000 Friends of Oregon v. Land Conservation and Development Com'n*, 301 Or. 622, 724 P.2d 805 (1986).
- Pa.—*Com. v. Baio*, 2006 PA Super 97, 898 A.2d 1095 (2006).
- S.D.—*Coffey v. South Dakota Bd. of Pardons and Paroles*, 1999 SD 164, 604 N.W.2d 238 (S.D. 1999).
- Va.—*Davis v. Mullins*, 251 Va. 141, 466 S.E.2d 90 (1996).
- W. Va.—*State ex rel. Hall v. Liller*, 207 W. Va. 696, 536 S.E.2d 120 (2000).
- Wyo.—*Spomer v. Spomer*, 580 P.2d 1146 (Wyo. 1978).
- 9 Tenn.—*Gillespie v. Martin*, 172 Tenn. 28, 109 S.W.2d 93 (1937).